

Appl. No.: 10/654,330

Amdt dated: November 1, 2004

Reply to Office Action of: July 1, 2004

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**Remarks**

Claims 1-16 are currently pending in this application. Claims 14 and 15 are cancelled without prejudice herein.

**Allowable Subject Matter**

Applicants acknowledge the Examiner's indication that claims 1-13 and 16 are allowed.

**Priority**

The Examiner contends that Applicants are not entitled to priority of PCT/US97/09505 filed June 4, 1997 because U.S. application 09/350973 was filed July 9, 1999, more than 12 months after PCT/US97/09505. The Examiner's contention appears to refer to 35 U.S.C. 119, which requires that "the application in this country [be] filed within twelve months from the earliest date on which such foreign application was filed . . ." (emphasis added). Applicants disagree with the Examiner's contention that PCT/US97/09505 is a foreign application because PCT/US97/09505 designates the United States, making Applicant's priority claim a matter of domestic priority under 35 U.S.C. 120, not foreign priority under 35 U.S.C. 119(a), which only requires that the later-filed application be copending with the prior filed application. For these reasons, Applicants respectfully submit that it has satisfied all of the requirements to claim domestic priority, under 35 U.S.C. 120, to its earlier filed international application PCT/US97/09505.

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**Summary**

Applicants submit that all of the claims are now in condition for allowance, which action is requested. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-1721.

Respectfully submitted,



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